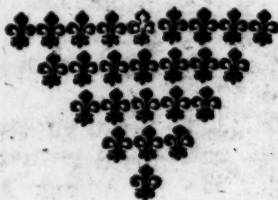


139  
ANNOTATIONS  
VPON THE EARLE  
OF STRAFFORDS  
CONCLVSION.

*The Twelfth of Aprill, 1641.*

---



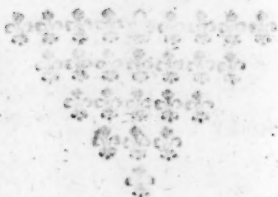
---

Printed in the yeare, 1641.

ANNO TATIONS  
Vpon the EARLE  
OF STRAFORDS  
CONCLVSION.

The Twelfth of April. 1641.

---



Printed in the Year 1641.

[15]

# THE CONCLVSION

Of the *Earle of Straffords* De-  
fence, the twelfth of April,

1641.

**M**Y LORDS, there yet remains another  
Treason, that I should be guiltie of; the  
indeavouring to subvert the fundamen-  
tall Lawes of the Land, that they should now bee  
Treason, together, that is not Treason in any one  
part of Treason. • accumulative, that • Intention of Treason, is  
so when all will not doe, it is woven Treason (not so in felonie)  
up with others, it should seeme very when it is proved, though by  
strange. facts which in themselves are  
no treason.

Under favour, my Lords, I doe  
not conceive that there is either Sta-  
tute-Law, nor Common-law, that  
doth declare the endeavouring to  
subvert the fundamentall Lawes to be  
high Treason. •

For neither *Statute-Law*, nor *Com-  
mon-Law* written, that ever I could  
heare of, declareth it so.

A 2

And

\* Had you not bin worse then  
a heathen, you might have  
found it within you written  
in the common law of nature.

And yet I have beene diligent to  
enquire, (as I beleeeve you thinke it  
doth concerne me to doe.

\* If it were so, it is but *lex talionis*, and  
it is well that by altering the scene,  
your judgement is so rightly informed,  
which never thought that burden hard  
you laid upon others.

*It is hard to bee questio-  
ned for life and honour, ap-  
on a Law that cannot be  
shonne.*

\* And longer might have laine, had  
not such a fire-brand as you, given  
too just cause to reend it: Who as  
you have made women childlesse, so  
in justice will God make your mo-  
ther childlesse, and your children fa-  
therlesse.

There is a rule which I  
have learned from Sir Ed-  
ward Cooke, *De non apparen-  
tibus & non existentibus ca-  
dem ratio*, ( *lesu* ) where hath  
this fire laine all this while, so  
many hundreds of yeares  
without any smoake to disco-  
ver it, till it thus burst forth to  
consume me, and my chil-  
dren: extreame hard in my  
opinion, that punishment  
should preceede promulgati-  
on, of a Law punished by a  
Law subsequent to the Acts  
done.

\* Parricide hath been thought too no-  
torious and unnaturall a crime to  
have a law made against it, and yet  
judged a crime when committed.  
Some offences are so heinous, that  
they condemne themselves, and need  
no law to judge them, much lesse to  
be proclaimed against them, whereof  
this is one, a worse then parricide.

Take it into your considerations,  
for certainly it is now better to bee  
under no law at all but the will of  
men, & then to conforme our selves  
under the protection of a law as wee  
thinke, and then bee punished for a  
crime

\* *Hoc opus, hic labor est.*

crime that doth preceede that law, what man can bee safe, if that bee once admit-  
 ted.

My Lords, it is hard in another respect, that there should bee no token set upon this offence, by which wee should know it, no admonition by which we should be aware of it.

If a man passe downe the Thames in a Boar, and it be split upon an Anchor, and a boye, being set as a token that there is an anchor there, that partiethat owes the anchor, by the Maritime Lawes, shall give satisfaction for the dammage done; but if it were marked out, I must come upon my owne perill.

Now where is the marke upon this cryme, where is the token that this is high Treason. The Parliament is as well a court of equitie as of Law (as by a speciall clause of reservation in the 24. Ed. 3. in the very case of Treason does appeare) and so in equitie may supply the literall defects of the Law (in case it were defective) as the Chancery does the Kings bench; and if so, it must needs be just, That he that would not destroy three Kingdomes, for no other reason, but only because there is a Law that makes it Treason, should in equitie suffer as a traitour for taking the libertie to doe it, because there is no law, or because he knowes of none against it.

If it bee under water, and not above water, no humane providence can avoile, nor prevent my destruction. Lay aside all humane Wisdome, and let

¶ He that kills a King, in humane wisdom, as rest upon divine Revelation, if you will condemn before you foremarne of the danger.

Oh my Lords, may your Lordships bee pleased to give that regard unto the Peere-age of England, as never to suffer our selves to be put on those nice points, upon such constructive interpretations, and these are where Lawes are not cleere or knowne, if there must be a Tryall of wits. I doe most humbly beseech you, the subject and matter may bein somewhat else, then the lives and Honours of Peeres.

My Lords, wee find that in the primitive times, in the progression of the plaine Doctrine of the Apostles, they brought the Bookes of curious Arts, and burned them. And so likewise as I doe conceive, it will be wisdom and providence in your Lordshippes, for your posterity, and the whole Kingdome, to cast from you into the fire these bloody and most mysterious Volumes of constructive and Arbitrary Treasons, and to betake your selves to the plaine Letter of the Law and Statute, that telleth us where the cryme is; And by telling what is, and what is not, shewes how to avoid it. And let us not bee ambitious, to bee more wise and learned in the killing Arts, then our fore-fathers were.

¶ But yet so, as that there is left a place for you and your offence by a wise foresight in the reservation of 25. Ed. 3. He that having power in his hands so far endevours the ruining of the Common-wealth, as he thinks may stand with his owne safety, it is just to Judge him a Trai-tour to his country, though true to himselfe. It is but equall that he should have judgement without mercy, that shewed no mercy.

It is now full 200. and 40. yeares, since ever any man was touched for this alleaged crime (to the height) before my selfe, we have lived happily to our selves at home, and we have lived gloriously to the World abroad.

Never since your time of promotion, though it is hoped, when you are gone we shall do so againe.

Let us rest contented with that which our Fathers left us, and not awake those sleepy Lymas to our owne destructions, by raking up a few musty records that have layen so many ages by the walls, quite forgotten and neglected.

So let all the enemies of God and their country perish. Ill maners bring forth good lawes. Which it seemes were made in a good time, and kept to a good houre to rid us of so rotten a member that many ages cannot parallell,

May your Lordships be Nobly pleased, to adde this to those other misfortunes befallen mee for my sinnes, not for my Treasons; that a president should not bee derived from me of that disadvantage (as this will bein the consequent to the whole Kingdome) I beseech you seriously to consider it, and let not my particular case bee so looked on as you doe; though you wound me in my interest in the Common wealth, and therefore those Gentlemen say, that they speake for the Common wealth, yet in this particular I indeed speake for it, and the inconveniences and mischiefs that will heavily fall upon us; for as it is in the 1. of Henry the fourth, no man will after know what to doe, or say, for feare.

It is pity but you should die whilst you are in so good a mind; now you are againe turned Common-wealths-man, which you were once before, lest you alter as you have done.

And to that passe we were come againe of late by your means, till God set us free.

Do not put (my Lords) so great difficulties upon the Ministers of state, that men of wisdom, honour, and vertue, may not with cheerefulnesse and

Had you had the last, it would have preserved the two first, but your want of honesty hath made your wisdom foolishnesse, and your honour ignominie.

safety,



\* You meane againe it.

Your preſſures have indeede  
betne heavier, then to de  
tergero, bet weighed with so  
light weights.

Before you wished you  
might not bee made a presi-  
dent, but wee cannot have a  
better, it will but produce  
this effect, that men of your  
mischievous minde will for your sake refuse preferment, and employments.

My Lords, I have now troubled you, longer  
then I should have done, were it not for the inter-  
rest of those deare pledges, a Saint in heaven has  
left me; I should be loath my Lords, (there he  
stopped.)

What I forfeit for my selfe it is nothing, be-  
cause that my indiscretion should forfeit for my child  
it even woundeth me deepe to the very soule.

You will pardon my infirmity, something  
should have said, but I am not able, (and sighes)  
therefore let it passe.

And now my Lords, I have bin by the blessing  
of Almighty God taught; that the afflictions of  
this life present, are not to bee compared to the  
eternall weight of glory that shall be revealed  
us hereafter.

And so, my Lords, even so with tranquillity of  
mind, I doe submit my selfe freely and clearely  
to your Lordships judgements; and whether the  
righteous judgement shalbe to life or death.

To Deum Laudamus, et Dominum

Confitemur.

FINIS.